

1 sitting at the bench to my right, wearing a lighter gray
2 suit.

3 MR. BERRONES: I'd ask the record to reflect the
4 witness identified the defendant.

5 THE COURT: The record will so show.

6 MR. BERRONES: No other questions, judge.

7 WILLIAM BIANG

8 having been first duly sworn, was examined and testified
9 as follows:

10 DIRECT EXAMINATION

11 BY MR. BERRONES:

12 Q Will you please state your name, and spell your
13 last name?

14 A William Biang, B-i-a-n-g.

15 Q Are you employed?

16 A Yes, I am.

17 Q Who are you employed by.

18 A With of Waukegan Police Department.

19 Q How long have you been employed by the Waukegan
20 Police Department?

21 A Eight and a half years.

22 Q What is your current position with them?

23 A Detective Sergeant.

24 Q Calling your attention to January 21st, 1986,

1 at approximately 6:50 p.m., were you employed by the
2 Waukegan Police Department?

3 A Yes, I was.

4 Q On that date, did you have occasion to speak
5 with Bennie Starks?

6 A I did.

7 Q Where did that conversation take place?

8 A In an interview room in the detective bureau.

9 Q Who was present when you talked to Mr. Starks?

10 A Myself and Bennie Starks.

11 Q Would you relate to us what Bennie Starks said
12 to you, and what you said to him?

13 A Yes, I can. He said -- I asked him to relate
14 his whereabouts on the night of the 18th of January. He
15 said that he was drinking most of the day. He said he
16 was at a bar on the west side of Waukegan, and that he
17 was at the Genesee Inn, on Genesee Street, in Waukegan,
18 until about 10:30, when he decided to walk home. He said
19 that he was walking south on Genesee, and then west on
20 Water Street. While on Water Street, walking westbound,
21 approaching County, he was approached from behind by two
22 subjects, one a male black, one a male hispanic. One of
23 the subjects, he wasn't clear as to which one, said,
24 "This is a robbery, give us all your money." He said the

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1 subjects took approximately \$80.00 in cash, his trench
2 coat, a pair of gloves, and a wristwatch. I asked him if
3 he could describe the subjects. And the only thing that
4 he could remember, he said the spanish subject was short,
5 and the black subject was tall. I asked him if he
6 continued walking home, after he was robbed, he said that
7 he ran home to his mother's house, on Lake Street. I
8 asked him if he called the police. He said that he
9 didn't because he didn't think the police would do
10 anything for him. I asked him if he told his mother that
11 he was robbed, and he said, "No, because she's sick, and
12 I didn't want to get her upset."

13 At this time, I asked him if he had purchased
14 any items at Regents Clothing Store on Genesee Street, in
15 Waukegan, that day. And he stated that he had. I asked
16 him what he purchased. And he said he purchased a beige
17 men's sweater. I then asked him if the package that he
18 had received the item in, and carried the item in, was
19 red in color. And he said it was. I asked him if he had
20 the package with him while he was drinking at the Genesee
21 Inn, and he said that he did. At this point, I said,
22 "Well, when you were walking home, did you have the
23 package with you when you were robbed?" And he said,
24 "No, I dropped the package off earlier at my mother's

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1 house, prior to that."

2 Q Was your --

3 A Go ahead..

4 Q When you were having this conversation with
5 him, did he indicate to you what time he left the bar?

6 A He said he left the bar at approximately 10:30,
7 with the package in his hand.

8 Q Now, when he told you that he ran to his
9 mother's house, did he tell you where his mother's house
10 was located, what address?

11 A He said it was located at 300 Lake Street.

12 Q Did you show the defendant a coat while you
13 were talking to him?

14 A Yes, I did.

15 Q What coat did you show him?

16 A I showed him a black trench coat, with the
17 brand name of Campus, I believe it was a size 40. It was
18 recovered at the -- in the ravine, and was identified by
19 the victim as being the coat worn by the offender.

20 Q I show you what's been marked as People's
21 Exhibit Number --

22 MR. BOYD: I'd like all that barred that went past
23 what --

24 THE COURT: I'll sustain what the victim says. And

1 the jury will disregard it.

2 BY MR. BERRONES:

3 Q I show you what's been marked as People's
4 Exhibit Number 17, and ask you if that was the same coat
5 that you showed the defendant on January 21st?

6 A Yes, it is.

7 Q When you showed him that coat, did you ask him
8 anything?

9 A I asked him if it was his coat.

10 Q What, if anything, did he say?

11 A He said that it was.

12 Q Did you see Bennie Starks later on that day, on
13 January 21st, 1986?

14 A He was in the interview room the entire
15 evening, from 6:40 on.

16 Q Okay, at 11:45, did you place Bennie Starks
17 under arrest that evening?

18 A That's correct.

19 Q And when you placed him under arrest, did you
20 ask him to remove his clothing?

21 A Yes, I -- Well, I, first, had asked him what he
22 was wearing on the night that was in question, on the
23 night. And he said that he was wearing the same clothes
24 that he had on at this time, which was a beige sweater, a

1 pair of bluejeans, I believe, a pair of work boots, pair
2 of long underwear, pair of blue underpants. At this
3 time, we took those items of clothing for possible
4 evidence.

5 Q Okay. Did you examine his body after he
6 removed his clothing?

7 A Yes, we did.

8 Q What was the reason for examining his body?

9 A To ascertain if there were any injuries that
10 could have possibly been obtained from the defendant --
11 or from the victim defending herself, or anything that
12 might have been indicative of a struggle.

13 Q Did you examine Bennie Starks' body that night?

14 A Yes, we did.

15 Q Okay, is the person that you examined, and got
16 that statement from, is that person in court today?

17 A Yes, he is.

18 Q Would you please point to that person, and
19 describe something they're wearing?

20 A Seated at the defense table, wearing a gray
21 tie, white shirt, and gray sports coat, beige shoes.

22 MR. BERRONES: Your honor, I'd ask the record to
23 reflect the witness identified the defendant.

24 THE COURT: The record will so show.

1 BY MR. BERRONES:

2 Q Sergeant Biang, I'm showing you what's been
3 marked as People's Exhibit Number 60 for Identification,
4 and ask if you recognize that?

5 A This is a photo taken in the interview room, by
6 myself, the Evidence Technician Tench. Also present were
7 Detective Duprez, and Lieutenant Phil Stevenson. It's a
8 photograph of a scratch on the defendant's upper
9 righthand shoulder.

10 Q Does that picture truly and accurately depict
11 the condition of the defendant's upper righthand shoulder
12 on January 21st?

13 A Yes, it does.

14 Q Showing you what's been marked as People's
15 Exhibit Number 61 for Identification, and ask if you can
16 identify that?

17 A A photo taken of the scratch marks on the
18 defendant's right wrist, also in the interview room.

19 Q Does that picture truly and accurately depict
20 the injuries to the defendant?

21 A Yes, it does.

22 Q Showing you what's been marked as People's
23 Exhibit Number 62 for Identification, and ask if you can
24 identify that?

1 A Another scratch mark to the defendant's right
2 wrist, also taken in the interview room.

3 Q Does that truly and accurate depict the
4 condition of the defendant's wrist on January 21st, 1986?

5 A Yes, it does.

6 Q Showing you what's been marked as People's
7 Exhibit Number 63 for Identification, and do you
8 recognize that?

9 A Yes, I do. It's a photo of a scratch mark on
10 the upper righthand buttock of the defendant, which was
11 also taken in the interview room.

12 Q Does that picture truly and accurately depict
13 the condition of the defendant?

14 A Yes, it does.

15 MR. BERRONES: Your honor, at this time, the people
16 would ask that People's Exhibits Number 60 through 63 be
17 admitted into evidence, the identifying marks being
18 stricken.

19 MR. BOYD: No objection.

20 THE COURT: We'll admit them in evidence, the
21 identification marks will be stricken.

22 MR. BERRONES: I have no other questions, judge.

23 THE COURT: Counsel?

24 MR. BOYD: Judge, I don't have a single solitary

1 question.

2 Thank you very much.

3 THE COURT: You may step down.

4 (Whereupon the witness was excused.)

5 MR. BERRONES: Judge, the state has no other
6 witnesses, I'd ask to submit all my exhibits before I
7 rest.

8 THE COURT: I take it you're going to rest other
9 than the exhibits?

10 MR. BERRONES: That's correct, judge.

11 THE COURT: All right, take the jury out.

12 (Whereupon the following proceedings were
13 had out of the presence of the jury:)

14 MR. BERRONES: Your honor, at this time, I ask that
15 People's Exhibit Number 42 for Identification be admitted
16 into evidence, based on the stipulation.

17 THE COURT: Any objection?

18 MR. BOYD: No.

19 THE COURT: It will be admitted into evidence.

20 MR. BOYD: Judge, can I see those photographs that
21 he just had?

22 MR. BERRONES: Judge, at this time, the state
23 resubmits exhibits 1 through 13 into evidence, and ask
24 that they be admitted into evidence.